

S/N 09/551,299



#7
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Andrew Frank	Examiner:	Khanh Dang
Serial No.:	09/551,299	Group Art Unit:	2181
Filed:	April 18, 2000	Docket No.:	977.039US1
Title:	COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL MODULE TO IMPROVE POWER MANAGEMENT AND LEGACY SUPPORT		

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR§1.137(b)**

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MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 26 2005

OFFICE OF PETITIONS

Applicant respectfully requests the revival of the above-identified patent application under 37 CFR §1.137(b) as being unintentionally abandoned for failure to respond to the non-final Office Action mailed October 3, 2003 by the six-month deadline of April 3, 2004.

Abandonment of this application was unintentional, and the entire delay in filing the reply from the due date for the reply until the filing of this Petition was unintentional.

The assignee, Digi International Inc., filed a Revocation and Power of Attorney and a Notification of Change of Correspondence Address on June 5, 2002, changing the responsible attorney to Marvin L. Beekman at the firm of Schwegman, Lundberg, Woessner & Kluth, P.A, and received a return postcard. (Copies of these documents are attached hereto.)

Applicant's current attorney did not receive the outstanding Office Action dated October 3, 2003, which was mailed to Applicant's former firm, Blakeley Sokoloff Taylor & Zafman LLP, prior to expiration of the period for response. A Notice of Abandonment was issued on September 8, 2004.

Applicant's current attorney received a copy of the non-final Office Action from Examiner Khanh Dang on August 15, 2005.

The Commissioner is authorized to charge the Petition Fee of \$1500.00 due under 37 CFR §1.17(m), and any other fees which may be due, to Deposit Account No. 19-0743.

08/24/2005 LWONDIM1 00000081 190743 09551299

01 FC:2453 750.00 DA

Adjustment date: 04/12/2006 CKHLOK
08/24/2005 LWONDIM1 00000081 190743 09551299

01 FC:2453 750.00 CR

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Serial Number: 09/551,299

Filing Date: April 18, 2000

Title: COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL MODULE TO IMPROVE POWER MANAGEMENT AND LEGACY SUPPORT

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Request for Refund of Petition Fee

As Applicant filed a Revocation and Power of Attorney on June 5, 2002, Applicant believes that if the Patent Office had updated its records promptly, the Office Action would have been received at the firm of Schwegman, Lundberg, Woessner & Kluth, P.A., and a response would have been timely filed. Applicants request a partial or full refund of the petition fee.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ANDREW FRANK

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6960

Date 8-22-05

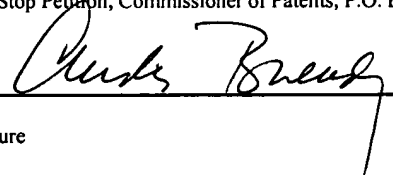
By 
Marvin L. Beekman
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of August, 2005.

CANDIS BUENDING

Name

Signature



In re Patent Application of: Andrew Frank

Title: COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL
MODULE TO IMPROVE POWER MANAGEMENT AND LEGACY...
SUPPORT

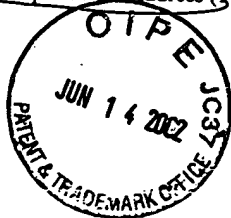
Serial No.: 09/551,299

Filing Date: April 18, 2000

Receipt is hereby acknowledged for the following in the United States Patent and
Trademark Office:

CONTENTS: Preliminary Amendment (5 Pages); a check in the amount of \$288.00
to cover the fee for additional claims; Revocation And Power Of Attorney with Certificate
under 37 CFR 3.73(b) and attached copy of Assignment from Inside Out Networks;
Notification of Change of Correspondence Address (1 pg.); a Return Postcard and
TRANSMITTAL SHEET.

Mailed: June 5, 2002
MLB/cbb



Docket No.: 977.039US1
Due Date:



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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew Frank

Title: COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL MODULE TO IMPROVE POWER MANAGEMENT AND LEGACY SUPPORT

Docket No.: 977.039US1

Filed: April 18, 2000

Examiner: Unknown

Serial No.: 09/551,299

Due Date:

Group Art Unit: Unknown



Commissioner for Patents
Washington, D.C. 20231

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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Preliminary Amendment (5 Pages).
- ☒ A check in the amount of \$288.00 to cover the fee for additional claims as calculated below.
- ☒ Revocation And Power Of Attorney with Certificate under 37 CFR 3.73(b) and attached copy of Assignment from Inside Out Networks.
- ☒ Notification of Change of Correspondence Address (1 pg.).

OFFICE OF PETITIONS

If an additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	38	-	20	18	x 9 =	\$162.00
INDEPENDENT CLAIMS	6	-	3	3	x 42 =	\$126.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$288.00

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Marvin L. Beekman
Atty: Marvin L. Beekman
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 5 day of June, 2002.

Name Candis B. Buending

Signature Candis B. Buending

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

(GENERAL)

S/N 09/551,299

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: Andrew Frank
Serial No.: 09/551,299
Filed: April 18, 2000
Title: COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL
MODULE TO IMPROVE POWER MANAGEMENT AND LEGACY
SUPPORT

Examiner: Unknown

Group Art Unit: Unknown

Docket: 977.039US1

REVOCATION AND POWER OF ATTORNEY
CERTIFICATE UNDER 37 CFR §3.73(b)

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Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

In accordance with 37 C.F.R. Section 1.36, M.P.E.P. Section 402.05 and 402.07, please
revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or patent
agents to prosecute this application and to transact all business in the Patent and Trademark
Office in connection therewith:

Anglin, J. Michael	Reg. No. 24,916	Lemaire, Charles A.	Reg. No. 36,198
Aronoff, Marvin S.	Reg. No. 35,052	LeMoine, Dana B.	Reg. No. 40,062
Arora, Suneel	Reg. No. 42,267	Lundberg, Steven W.	Reg. No. 30,568
Beekman, Marvin L.	Reg. No. 38,377	Maki, Peter C.	Reg. No. 42,832
Berdie, Raymond R.	Reg. No. 50,769	Malen, Peter L.	Reg. No. 44,894
Bianchi, Timothy E.	Reg. No. 39,610	Mates, Robert E.	Reg. No. 35,271
Billion, Richard E.	Reg. No. 32,836	McCrackin, Ann M.	Reg. No. 42,858
Black, David W.	Reg. No. 42,331	McTavish, Hugh E.	Reg. No. 48,341
Brennan, Thomas F.	Reg. No. 35,075	Mehrle, Joseph P.	Reg. No. 45,535
Brooks, Edward J., III	Reg. No. 40,925	Moore, Charles L., Jr.	Reg. No. 33,742
Chadwick, Robin A.	Reg. No. 36,477	Muller, Mark V.	Reg. No. 37,509
Clark, Barbara J.	Reg. No. 38,107	Nama, Kash	Reg. No. 44,255
Clise, Timothy B.	Reg. No. 40,957	Nelson, Albin J.	Reg. No. 28,650
Cochran, David R.	Reg. No. 46,632	Nielsen, Walter W.	Reg. No. 25,539
Dahl, John M.	Reg. No. 44,639	Padys, Danny J.	Reg. No. 35,635
Drake, Eduardo E.	Reg. No. 40,594	Parker, J. Kevin	Reg. No. 33,024
Embretson, Janet E.	Reg. No. 39,665	Perdok, Monique M.	Reg. No. 42,989
Forrest, Bradley A.	Reg. No. 30,837	Peret, Andrew R.	Reg. No. 41,246
Gamon, Owen J.	Reg. No. 36,143	Peterson, David C.	Reg. No. 47,857
Gorrie, Gregory J.	Reg. No. 36,530	Prout, William F.	Reg. No. 33,995
Gortych, Joseph E.	Reg. No. 41,791	Schumm, Sherry W.	Reg. No. 39,422
Greaves, John N.	Reg. No. 40,362	Schwegman, Micheal L.	Reg. No. 25,816
Haack, John L.	Reg. No. 36,154	Scott, John C.	Reg. No. 38,613
Harris, Robert J.	Reg. No. 37,346	Speier, Gary J.	Reg. No. 45,458
Jackson Huebsch, Katharine A.	Reg. No. 47,670	Steffey, Charles E.	Reg. No. 25,179
Jurkovich, Patti J.	Reg. No. 44,813	Stordal, Leif T.	Reg. No. 46,251
Kalis, Janal M.	Reg. No. 37,650	Terry, Kathleen R.	Reg. No. 31,884
Klima-Silberg, Catherine I.	Reg. No. 40,052	Tong, Viet V.	Reg. No. 45,416
Kluth, Daniel J.	Reg. No. 32,146	Viksins, Ann S.	Reg. No. 37,748
Lacy, Rodney L.	Reg. No. 41,136	Woessner, Warren D.	Reg. No. 30,440

REVOCATION AND POWER OF ATTORNEY

Serial Number: 09/551,299

Filing Date: April 18, 2000

Title: COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL MODULE TO IMPROVE POWER
MANAGEMENT AND LEGACY SUPPORT

Page 2
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CERTIFICATE UNDER 37 CFR §3.73(b)

Digi International Inc. hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

1. An assignment from the inventor, Andrew Frank, to Inside Out Networks filed April 18, 2000 and recorded on Reel 010760, beginning at Frame 0125; and
2. An assignment from Inside Out Networks to Digi International Inc. (copy enclosed).

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To the best of my knowledge and belief, title is in Digi International Inc., the assignee.

OFFICE OF PETITIONS

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I, Steven M. Maurer, am empowered to sign this certificate on behalf of Digi International Inc., the assignee.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Please direct all correspondence in this case to:

Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402
Telephone No. (612)373-6900

Date

MAY 28, 2002

By

Steven M. Maurer

Steven M. Maurer
Title: Corporate Counsel

ASSIGNMENT

WHEREAS, Inside Out Networks, a corporation organized and existing under and by virtue of the laws of the State of Texas, and having an office and place of business at 248 Addie Roy Road, Suite B-103, Austin, TX 78746, (hereinafter "Assignor") is the owner of the invention and application for Letters Patent of the United States filed on April 18, 2000, which application is assigned U.S. patent application serial number 09/551,299, and is entitled COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL MODULE TO IMPROVE POWER MANAGEMENT AND LEGACY SUPPORT;

AND WHEREAS, Digi International Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 11001 Bren Road East, Minnetonka, Minnesota 55343 (hereinafter "Assignee"), is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefore;

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AUG 26 2005

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, Assignor has sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and Assignor does hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, Assignor does hereby agree that it and its successors and assigns, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, Assignor covenants and agrees with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Assignor and that full right to convey the same as herein expressed is possessed by Assignor

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28TH day of MAY, 2002.

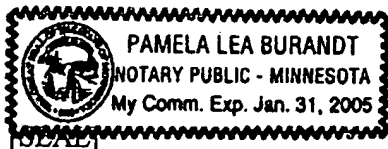
Assignor:

INSIDE OUT NETWORKS

By Steve Maurer
Name STEVE MAURER
Title Director of Contracts

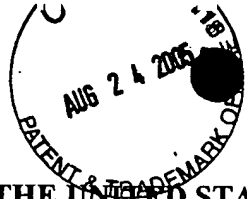
STATE OF MINNESOTA)
)ss.
COUNTY OF SCOTT)

On this 28th day of May, 2002 before me personally appeared
Steve Maurer, an officer of Assignor, to me known
to be the person who executed the foregoing instrument, and he/she duly acknowledged to me
that he/she is authorized to execute the same for the uses and purposes therein set forth.



Pamela Lea Burandt
Notary Public

S/N 09/551,299



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Andrew Frank	Examiner:	Unknown
Serial No.:	09/551,299	Group Art Unit:	Unknown
Filed:	April 18, 2000	Docket:	977.039US1
Title:	COMBINED UNINTERRUPTABLE POWER SUPPLY AND BUS CONTROL MODULE TO IMRPVOE POWER MANAGEMENT AND LEGACY SUPPORT		

NOTIFICATION OF CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
Washington, D.C. 20231

Applicant respectfully requests that all future correspondence in the above-identified patent application be addressed to:

Customer Number **21186**, whose address is:

Schwegman, Lundberg, Woessner & Kluth, P.A.
P. O. Box 2938
Minneapolis, MN 55402

Respectfully submitted,

ANDREW FRANK

By Applicant's Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6960

Date 6-4-02 By Mar L Beekman
Marvin L. Beekman
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 5 day of June, 2002.

Name Candis B. Buending

Signature Candis B. Buending